Steven Pedigo (stevenosei@msn.com)
Chairman/CEO OSEI Corporation

Dear Mr. Pedigo;

Thank you for your February 2, 2011 e-mail to Environmental Protection Agency (EPA) Administrator Lisa Jackson and others about the use of your bioremediation product Oil Spill Eater II (OSE II) in the Gulf of Mexico. You also raised numerous concerns regarding mischaracterization of OSE II for oil spill remediation. I am pleased to respond on behalf of the Administrator.

As you know, dispersants are one tool in the toolbox available to emergency responders. Use of any tool involves environmental tradeoffs and responders carefully consider whether skimming, booming, *in situ* burning, chemical countermeasures (such as chemical dispersants or bioremediation agents), or some combination of all of these tools may be necessary and appropriate to protect sensitive shorelines, water resources, or wildlife. Due to the large scale of the BP oil spill, varying weather and sea conditions, and type of discharge, responders used all of these techniques to minimize the impact of the spill on humans and the environment.

Chemical dispersants, along with mixing energy, break up oil slicks into tiny particles that move into the water column so they may be more readily degraded by existing microorganisms in the water. The oil reportedly found in sediment layers you mentioned is not likely oil that was chemically dispersed because the tiny oil-dispersant mixture droplets are neutrally buoyant and neither sink nor rise. Nonetheless, the presence of oil in the sediment is a concern, and we agree more information is needed about the long term environmental consequences associated with oil discharges, the use of dispersants and oil in sediments. EPA is already working on the regulatory requirements associated with the authorization and use of dispersants and initiating research into the fate of the oil and dispersants in the environment. Note that of the hundreds of air, water and sediment samples collected and analyzed, none showed any increased level of concern for either dispersants or oil for aquatic life or human exposure. For more information about this data, see: http://www.epa.gov/bpspill/.

EPA believes dispersants should only be used sparingly and when absolutely necessary. Since the well was capped, only 200 gallons of dispersant have been applied to the Gulf, but constant monitoring continues.

Under the National Contingency Plan (NCP), an On-Scene Coordinator (OSC) carries the responsibility for directing the response to an oil spill. The OSC consults with the Regional Response Team (RRT), which consists of representatives from the state, the EPA region and, in the marine environment, the U.S. Coast Guard, who provides the appropriate regional mechanism for development and coordination of assistance and advice to the OSC during response actions. RRTs conduct advance planning for the use of dispersants, surface washing and collecting agents, burning agents, bioremediation agents, or other chemical agents in accordance with the regulations under Subpart J of the NCP. Although a product is listed on the NCP Product Schedule, such a product cannot be applied without an OSC's authorization.

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With respect to bioremediation agents like OSE-II, EPA in conjunction with the US Coast Guard, collaborated with scientists from the National Oceanic and Atmospheric Administration (NOAA) and the Deepwater Horizon Science and Engineering Review Team (H-SERT) which consists of scientists from Louisiana State University, University of Louisiana at Lafayette, University of New Orleans, Tulane University, and Southern University on the use of innovative technologies to remediate the Gulf of Mexico region. This team reached consensus that bioremediation would provide limited value for oil discharges in general. There may be specific situations where bioremediation might be considered after a thorough evaluation of the site-specific conditions (including oil composition and concentrations and an assessment of nutrient and oxygen limitations) and limited testing to ensure the benefits outweigh any risks before a decision to implement such a course of action is made. The details on this finding are contained in a letter to Governor Bobby Jindal which can be found at: http://www.epa.gov/bpspill/bioremediation-letter-20100712.pdf.

We appreciate your interest in restoration of the Gulf and that OSEII can help in that effort. The Gulf Restoration Task Force will determine the appropriate strategies used for restoring the Gulf of Mexico. If chemical or bioremediation agents are needed for specific restoration areas, the Task Force will rely on the Product Schedule for insights.

Thank you again for your email. As stated in our previous response to you in December 2010, the Office of Emergency Management (OEM) is interested in meeting with you to discuss the results of demonstrations and uses of OSEII and to discuss the Agency's effort to revise the requirements under Subpart J of the National Contingency Plan. Please contact Craig Matthiessen of my Office, at 202-564-8016, to discuss a meeting and to address any additional questions you may have.

Sincerely,

Dana S. Tulis
Acting Director
Office of Emergency Management

Brigid Lowery - OSWER-CPA
GCERTF - Gulf Coast Ecosystem Restoration Task Force
Kecia Thornton - OSWER
Michelle Crews - OSWER
OAR - Office of Air and Radiation -- Immediate Office
ORD - Office of Research and Development -- Immediate Office
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office
R4 - Region 4 -- Immediate Office
R6 - Region 6 -- Immediate Office

Sam Coleman – Region 6
Craig Matthiessen – OEM